

1 THE HONORABLE RICARDO S. MARTINEZ  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LISA HOOPER, BRANDIE OSBORNE,  
KAYLA WILLIS, REAVY WASHINGTON,  
individually and on behalf of a class of  
similarly situated individuals; THE  
EPISCOPAL DIOCESE OF OLYMPIA;  
TRINITY PARISH OF SEATTLE; REAL  
CHANGE,

Plaintiffs,

vs.

CITY OF SEATTLE, WASHINGTON;  
WASHINGTON STATE DEPARTMENT OF  
TRANSPORTATION; ROGER MILLAR,  
SECRETARY OF TRANSPORTATION FOR  
WSDOT, in his official capacity,

Defendants.

No. 2:17-cv-00077-RSM

**DECLARATION OF BREANNE  
SCHUSTER IN SUPPORT OF  
PLAINTIFFS' REPLY IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

**NOTED ON MOTION CALENDAR:  
SEPTEMBER 7, 2017, 11:30 A.M.**

**ORAL ARGUMENT GRANTED**

I, Breanne Schuster, state and declare as follows:

1. I am over 18 years of age, I have personal knowledge of the matters stated herein,  
and I am competent to testify to these matters.

2. I am one of the attorneys representing Plaintiffs Lisa Hooper, Brandie Osborne,  
Kayla Willis, Reavy Washington, The Episcopal Diocese of Olympia, Trinity Parish of Seattle,

1 and Real Change in this matter, and I make this Declaration in support of Plaintiffs' Reply in  
2 Support of Motion for Preliminary Injunction.

3       3. Attached hereto as **Exhibit 1** is a true and correct copy of COS\_085038-2016H  
4 spreadsheet of sweeps in 2016 wherein sweeps without 72 hours' notice are highlighted.

5       4. Attached hereto as **Exhibit 2** is a true and correct copy of the COS\_161194H  
6 Spreadsheet of sweeps in 2017 wherein sweeps without 72 hours' notice are highlighted.

7       5. Attached hereto as **Exhibit 3** is a true and correct copy of an email exchange  
8 between the City and a Seattle Weekly reporter, dated April 28, 2017, bates numbered  
9 COS\_097992-93.

10      6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the  
11 Deposition of Eric Zerr taken June 5, 2017.

12      7. Attached hereto as **Exhibit 5** is a true and correct copy of an email exchange  
13 between the City and OCR dated January 17, 2017, bates numbered COS\_077851-52.

14      8. Attached hereto as **Exhibit 6** is a true and correct copy of an email exchange  
15 between the City and WSDOT dated February 21, 2017, bates numbered COS\_047000-02.

16      9. Attached hereto as **Exhibit 7** is a true and correct copy of Public Comment on  
17 the proposed MDARs from the Public Defender's Association, dated February 15, 2017, bates  
18 numbered COS\_136928-31.

19      10. Attached hereto as **Exhibit 8** is a true and correct copy of Public Comment on  
20 the proposed MDARs from Columbia Legal Services, bates numbered COS\_136889-93.

21     11. Attached hereto as **Exhibit 9** is a true and correct copy of Public Comment on  
22 the proposed MDARs from Seattle Community Law Center, bates dated February 15, 2017,  
23 numbered COS\_136904-07.

1       12. Attached hereto as **Exhibit 10** is a true and correct copy of Public Comment on  
2 the proposed MDARs from the Downtown Emergency Service Center, dated February 15,  
3 2017, bates numbered COS\_136932–34.

4       13. Attached hereto as **Exhibit 11** is a true and correct copy of Public Comment on  
5 the proposed MDARs from the Seattle King County Coalition on Homelessness, dated February  
6 15, 2017, bates numbered COS\_136792–93.

7       14. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the  
8 Deposition of August Drake-Ericson taken June 6, 2017.

9       15. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the  
10 Deposition of Jeffrey Horan taken May 11, 2017.

11       16. Attached hereto as **Exhibit 14** is a true and correct copy of a spreadsheet titled  
12 “Evidence Showing Defendants Have Misconstrued Their Policies and Practices.”

13       17. Attached hereto as **Exhibit 15** is a true and correct copy of an email exchange  
14 between City employees, dated March 31, 2016, bates numbered COS\_081681–82.

15       18. Attached hereto as **Exhibit 16** is a true and correct copy of an email exchange  
16 between OCR and FAS, dated September 16, 2016, bates numbered COS\_083509.

17       19. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the  
18 Deposition of Simon Stephens taken July 21, 2017.

19       20. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the  
20 30(b)(6) Deposition of Episcopal Diocese of Olympia taken August 2, 2017.

21       21. Attached hereto as **Exhibit 19** is a true and correct copy of an email exchange  
22 between OCR and FAS, dated March 10, 2017, bates numbered COS\_078894–95.

23       22. Attached hereto as **Exhibit 20** is a true and correct copy of Real Change Surveys,  
24 bates numbered PLAINTIFF 001200, 001343, 001352, 001866, & 001867–68.

23. Attached hereto as **Exhibit 21** is a true and correct copy of spreadsheet titled "Destruction of Property."

24. Attached hereto as **Exhibit 22** is a true and correct copy of COS\_085038O spreadsheet of sweeps in 2017, wherein sweeps without 72 hours' notice are highlighted.

25. Attached hereto as **Exhibit 23** is a true and correct copy of COS\_161194O-2016O Spreadsheet of sweeps in 2016, wherein sweeps without 72 hours' notice are highlighted.

26. Attached hereto as **Exhibit 24** is a true and correct copies of Unauthorized Encampment Removal Monitoring Worksheets, bates numbered COS\_089269, COS\_089296–99, COS\_089326–27, COS\_089350–52, COS\_089356–58 and COS\_089380–82.

27. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the Deposition of the 30(b)(6) Deposition of Trinity Parish of Seattle taken August 2, 2017.

28. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the Deposition of Brandie Osborne taken May 23, 2017.

29. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the  
30(b)(6) Deposition of Real Change taken August 3, 2017.

30. Attached hereto as **Exhibit 28** is a true and correct copy of UW Study on Media Analysis of Sweeps.

31. Attached hereto as **Exhibit 29** is a true and correct copy of an email from August Drake-Ericson to Chris Potter, dated May 26, 2016, bates numbered COS\_072000.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 25th day of August, 2017 at Seattle, Washington.

s/ Breanne Schuster  
Breanne Schuster, WSBA No. 49993

## **CERTIFICATE OF SERVICE**

I hereby certify that on **August 25, 2017**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

<p><b>5</b> <i>Attorneys for Defendant City of Seattle:</i></p> <p>Matthew J. Segal, WSBA No. 29797      6 Gregory J. Wong, WSBA No. 39329      7 Taki V. Flevaris, WSBA No. 42555      8 PACIFICA LAW GROUP LLP      9 1191 2nd Avenue, Suite 2000      10 Seattle, WA 98101  <a href="mailto:matthew.segal@pacificalawgroup.com">matthew.segal@pacificalawgroup.com</a>  <a href="mailto:greg.wong@pacificalawgroup.com">greg.wong@pacificalawgroup.com</a>  <a href="mailto:taki.flevaris@pacificalawgroup.com">taki.flevaris@pacificalawgroup.com</a></p>	<p><b>Attorneys for Defendants Washington State Department of Transportation and Roger Millar, Secretary of Transportation for WSDOT:</b></p> <p>Alicia O. Young, WSBA No. 35553      Assistant Attorney General      ATTORNEY GENERAL OF      WASHINGTON      P.O. Box 40126      Olympia, WA 98504-0126  <a href="mailto:AliciaO@atg.wa.gov">AliciaO@atg.wa.gov</a></p>
<p>Patrick Downs, WSBA No. 25276      Andrew T. Myerberg, WSBA No. 47746      Gregory C. Narver, WSBA No. 18127      Carlton W.M. Seu, WSBA No. 26830      Gary T. Smith, WSBA No. 29718      SEATTLE CITY ATTORNEY      701 Fifth Avenue, Suite 2050      Seattle, WA 98104-70197  <a href="mailto:patrick.downs@seattle.gov">patrick.downs@seattle.gov</a>  <a href="mailto:andrew.myerberg@seattle.gov">andrew.myerberg@seattle.gov</a>  <a href="mailto:gregory.narver@seattle.gov">gregory.narver@seattle.gov</a>  <a href="mailto:carlton.seu@seattle.gov">carlton.seu@seattle.gov</a>  <a href="mailto:gary.smith@seattle.gov">gary.smith@seattle.gov</a></p>	<p>Matthew D. Huot, WSBA No. 40606      Assistant Attorney General      ATTORNEY GENERAL OF      WASHINGTON      P.O. Box 40113      Olympia, WA 98504-0113  <a href="mailto:MattH4@atg.wa.gov">MattH4@atg.wa.gov</a></p>
<p><b>18</b> <i>Counsel for Amicus Curiae National Law Center on Homelessness and Poverty:</i></p> <p>Joseph Shaeffer, WSBA No. 33273      MACDONALD HOAGUE &amp; BAYLESS      705 Second Avenue, Suite 1500      Seattle, WA 98104  <a href="mailto:joe@mhb.com">joe@mhb.com</a></p> <p>Tristia Bauman (<i>admitted pro hac vice</i>)      National Law Center on Homelessness and Poverty      2000 M Street, NW, Suite 210  <a href="mailto:tbauman@nlchp.org">tbauman@nlchp.org</a></p> <p>John D. Biancamano (<i>admitted pro hac vice</i>)</p>	

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DECLARATION OF BREANNE SCHUSTER IN  
SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF  
MOTION FOR PRELIMINARY INJUNCTION - 6  
(No. 2:17-cv-00077-RSM)

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